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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,581	04/15/1999	ANSGAR DIRKMANN	P99.0498	2526

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01/13/2003

Michael A. Oblon
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102

EXAMINER

MEHRA, INDER P

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/284,581

Applicant(s)

DIRKMANN ET AL.

Examiner

Inder P Mehra

Art Unit

2666



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Response to Amendment

1. This is in response to amendment B dated: 10/30/02.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, the limitation, “approximately when the time interval has already been charged” uses “approximately” which makes it indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 6-15 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sistanizadeh et al** (US Patent No. 6,452,925, hereinafter, Sistanizadeh).

Regarding claims 6, 10 and 11, Sistanizadeh ('925) discloses, in reference to figs. 3-6, network management allowing manager to monitor and control routers and hosts in the network

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in the network (a method for controlling connections in a communication network), refer to col.

14 lines 40-41, col. 5 lines 32-67 through col. 6 lines 1-5; comprising the steps of:

- set up a session and commences the steps to establish a session (setting up a signaling connection----based on service connection request by the subscriber), refer to col. 6 lines 46-49;
- the user starts an application and PC requests for a certain server--- (setting up a payload connection) and PC requests and receives information (data traffic), refer to col. 13 lines 5-10;
- terminate after data transmission and prior to the expiration of lease time; and DHCPRELEASE is performed (clearing down the payload connection after data transmission), refer to col. 14 lines 18-20; user terminates the work and the PC performs a DHCPRELEASE and the user releases the IP ADDRESS AND
- IP associated with the domain name (clearing down the payload connection after data transmission), refer to col. 13 lines 29-32.
- User desires to use different Internet service provider, triggers a DNSUPDATE and commences a new process-----without a new re-booting (maintaining a first connection-----and intermittently setting up a second connection---- transmitting data -----subscriber and the service provider, wherein the first and second connections are associated, as recited in claim 11), refer to col. 13 lines 18-32.

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Regarding claim 7, Sistanizadeh discloses "ADSL high speed data access", refer to col. 6 lines 6; further, discloses "POTS voice switch" (service is at least at least one of a voice service or a data service), refer to col. 15 lines 63-64.

Regarding claims 8 and 14, Sistanizadeh discloses the user starts an application and PC requests for a certain server--- (setting up a payload connection); and PC requests and receives information (data traffic), refer to col. 13 lines 5-10; further, discloses billing may be based on occupancy which is the time the user is utilizing a network channel (charging a service ---for a time interval in which the signaling connection and the payload connection simultaneously exist), refer to col. 17 lines 15-16; further discloses charging the customer when the assigning of an IP address starts the clock, and tolling of the charge ceases when IP address is released (charging for service by the service provider for each time interval---, as recited by claim 14) , refer to col. 11 lines 23-26.

Regarding claims 9 and 15, Sistanizadeh discloses, if the user desires to terminate prior to the termination of 100% time of the lease time, DHCPRELEASE request is performed from the bound condition to initialize to cancel the lease, refer to col. 14 lines 18-21; further discloses, in reference to fig. 9, bound stage persists (data transmission persists) as long as 87.5% of lease time has expired, refer to col. 14 lines 10; in the absence of acknowledgment to continue transmission, the pc is forced to go off line (clearing down the payload connection before the expiry of total lease time charged, as recited in claim 15), refer to col. 14 lines 3-12.

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Regarding claim 12, Sistanizadeh discloses controlling and set up connections, refer to col. 14 lines 40-45, which are carried in control signals of D-channel, which runs at 64kbps of ISDN network, refer to col. 19 line 35;

Regarding claim 13, Sistanizadeh discloses B-channel for data transfer (second connection is a B-channel), refer to col. 19 lines 34-36.

Response to Arguments

6. Applicant's arguments with respect to claims 6-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

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Or faxed to (703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA, sixth floor (Receptionist).

Inder Mehra
Inder Mehra 1/3/02

January 3, 2003



MELVIN MARCELO
PRIMARY EXAMINER